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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 07200/083001	
		Application Number 10/593,919-Conf. #5893	Filed September 22, 2006
		First Named Inventor Takato Kobayashi et al.	
		Art Unit 2833	Examiner R. S. Luebke

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.


I am the

☐ applicant /inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 45,079

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34.


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 June 16, 2008
 Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of 1 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takato Kobayashi et al.

Application No.: 10/593,919

Confirmation No.: 5893

Filed: September 22, 2006

Art Unit: 2833

For: COVER MEMBER FOR PUSH-BUTTON
SWITCH AND METHOD OF
MANUFACTURING THE SAME

Examiner: R. S. Luebke

MS: AFTER FINAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-11 are pending in the present application. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1. The Examiner objected to the drawings for including in correct hatching. Formal versions of the drawings were filed to correct the hatching shown. Claims 1-2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,021,630 ("Taylor"). Claims 3 and 6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of U.S. Patent No. 5,367,133 ("Schmidt"). Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of U.S. Patent No. 3,995,126 ("Larson"). Claims 4, 7, and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of U.S. Patent No. 5,366,805 ("Fujiki"). Claim 8 stands

rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor and Schmidt in view of Fujiki. Applicant respectfully traverses all of the rejections for the reasons set forth below.

A. The Examiner is erroneously equating the retaining sleeve 25 and the flexible cap 10 of Taylor with the hard base and the keypad recited in claim 1.

Applicant respectfully asserts that Taylor fails to show or suggest "the keypad is made of a silicone rubber film, and a front surface of the keypad is in contact with an entire back surface of the hard base, thereby preventing the entire back surface of the hard base from being in contact with any member other than the keypad," as required by independent claim 1, and that the Examiner is erroneously equating the retaining sleeve 25 and the flexible cap 10 of Taylor with the hard base and the keypad recited in independent claim 1 for the reasons set forth below.

Embodiments disclosed in this application relate to a cover member for a push-button switch. In accordance with one embodiment shown in Figure 1, the keypad 2 is formed on the hard base 1, and thinly covers the entire back surface of the hard base 1. Because the keypad 2 may be made of elastic material, for example, a silicone rubber film, it can protect the hard base 1 and other adjacent solid members. In one embodiment, the keypad 2 made of a silicone rubber film is formed between the hard base 1 and a circuit board, and, thus, hard members including the hard base and the circuit board are prevented from being in direct contact. Advantageously, such circuit board can be protected from mechanical shock or damage (*see e.g.*, paragraphs [0058], [0067] of the published specification).

Accordingly, independent claim 1 requires, in part, that the keypad is made of a silicone rubber film, and a front surface of the keypad is in contact with an entire back surface of the hard

base, thereby preventing the entire back surface of the hard base from being in contact with any member other than the keypad.

As explained above, claim 1 clearly recites "the keypad is in contact with an *entire* back surface of the hard base, thereby preventing the *entire* back surface of the hard base from being in contact with *any* member other than the keypad." Thus, Applicant respectfully asserts that this limitation must be construed to mean that *every* portion of the hard base that can be considered a "back" surface must be contacted in order for the word "entire" to have any meaning. Moreover, the claim limitation requires that the keypad prevents the entire back surface of the hard base from being in contact with any member other than the keypad.

Accordingly, in order to construe the limitation "the keypad is in contact with an entire back surface of the hard base, thereby preventing the entire back surface of the hard base from being in contact with any member other than the keypad," as recited in claim 1, as corresponding to merely the step formed at interface 23 of Taylor that is only a *part* of the flexible cap 10, as is proposed by the Examiner, the Examiner is completely ignoring the express limitations of "entire" and "thereby preventing the entire back surface of the hard base from being in contact with any member other than the keypad."

In fact, as clearly shown in Figure 1 of Taylor, the step formed at interface 23 is only a *part* of the flexible cap 10. That is, every portion of the flexible cap 10 does not contact with the *entire* back surface of the retaining sleeve 25. Rather, it is noted that part of the back surface of the retaining sleeve 25 is in contact with the circuit board 12, and, this configuration of contact switch in Taylor necessarily does not prevent a hard base from being in contact with other solid members to protect the circuit board.

Consequently, the Examiner's proposed interpretation of claim 1 is clearly not *reasonable*. The MPEP makes it clear that that the Examiner must give the claims of the present application their broadest *reasonable* interpretation (*see* MPEP § 2111.01).

Accordingly, Taylor fails to show or suggest at least "the keypad is made of a silicone rubber film, and a front surface of the keypad is in contact with an entire back surface of the hard base, thereby preventing the entire back surface of the hard base from being in contact with any member other than the keypad," as required by independent claim 1.

In view of the above, Taylor fails to show or suggest all limitations of independent claim 1. Claim 1 is therefore patentable over Taylor. Dependent claims are also patentable for at least the same reasons. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

B. Schmidt, Larson, and Fujiki fail to show or suggest all the limitations of claim 1.

As discussed above, Taylor fails to show or suggest all of the limitations of independent claim 1. Further, Schmidt, Larson, and Fujiki do not supply that which Taylor lacks. This is evidenced by the facts that Schmidt is only relied upon for providing a keytop made of a hard resin, Larson is only relied upon for providing the use of a plurality of switches, and Fujiki is only relied upon for providing the manufacture of an electrical component formed of a polycarbonate resin and a selectively adhesive silicone rubber.

In view of the above, Taylor, Schmidt, Larson, and Fujiki, whether considered separately or in combination, fail to show or suggest all of the limitations of claim 1. Thus, claim 1 is patentable over Taylor, Schmidt, Larson, and Fujiki. Dependent claims are allowable for at least

the same reasons. Accordingly, withdrawal of all of the 35 U.S.C. § 103 rejections set forth above are respectfully requested.

E. Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591, Reference No. 07200/083001.

Dated: June 16, 2008

Respectfully submitted,

By: 

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